

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone conversation with Pedro C. Fernandez Reg. No. 41,741 on 10/21/2009.

The application has been amended as follows:

Claims 81-82 and 94 have been cancelled.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The closest prior art for the features of the claimed invention are Miyamoto et al. (US Patent 6,464,585; hereinafter Miyamoto), Suzuki et al. (US Patent 6,227,968; hereinafter Suzuki '968), Okabe et al. (US Patent 6,572,475; hereinafter Okabe), Suzuki (US Patent Application Publication 2001/0007829; hereinafter Suzuki '829), and Ooseki (US Patent 6,177,623).

However, Miyamoto alone or in combination with Suzuki '968, Okabe, Suzuki '829 and Ooseki does not disclose an apparatus and computer readable medium under

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the control of a processor that determines whether timing of a moving object overlaps a mark object corresponding to a predetermined beat coincides with timing of output of a strength input based on player operation of an input device and also determines whether strength information of the player input matches strength information of the level of playing volume preset for a predetermined beat of a musical piece reproduced, **nor** the processor that determines whether timing of the moving object overlaps the mark object corresponding to the predetermined beat coincides with timing of output of a direction input based on player operation of an input device and also determines whether direction information of the player input matches direction information of playing instructions preset for a predetermined beat of the musical piece reproduced, **nor** the processor that determines whether timing of the moving object overlaps the mark object corresponding to the predetermined beat coincides with timing of output of a pause input when the player operates a pause input device and also determines whether an operation input to delay sound is successful based on whether the operation input continues for a predetermined period of time when the moving object overlaps the mark object corresponding to the predetermined beat. Thus, the claimed invention is not anticipated by nor obvious over the closest prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./  
Examiner, Art Unit 3714

/Peter DungBa Vo/  
Supervisory Patent Examiner, Art Unit 3714